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GAYS AT GEORGETOWN

Can a church-related university be forced to give official recognition and financial support to a homosexual organization? Can the university be required to allocate university resources and student funds to homosexuals, even though their lifestyle is totally inconsistent with the teachings of the church which built and maintains the university?

The answer to these questions is expected any day when Judge Sylvia Bacon of the District of Columbia Superior Court decides a case she has been holding for the last year and a half. It poses the question as to whether Georgetown University, a Catholic institution, operated under the authority of the Pope by the Society of Jesus, must grant a special charter to the homosexuals and lesbians on campus.

In 1980, the Gay People of Georgetown University (GPGU) sued the university because the Student Senate and the Student Activities Commission had twice rejected their application for recognition. GPGU claimed that this action violated a District of Columbia human rights statute which prohibits discrimination on the basis of sexual orientation.

In a preliminary ruling, Judge Leonard Braman held Georgetown University in violation of the District of Columbia law. When the case was tried in the spring of 1982, Georgetown University defended itself on the basis of its rights as a religious institution under the First Amendment.

Judge Bacon (who assumed the case after Judge Braman's retirement) has been sitting on the case for a year and a half since the end of the trial. We are still waiting for the decision as to whether the "gay people" will be allowed to force Georgetown to subsidize them.

Georgetown authorities have consistently taken the position that the Catholic institution should be held exempt from the local statute based on its ties to the Roman

Catholic church and the university's obligations to the church's moral teachings. They say they should be protected by the freedom of religion clause in the First Amendment.

Georgetown's brief in the case argues that university recognition of the homosexuals and lesbians would imply endorsement of homosexuality, and that "no Roman Catholic Church ... may condone, endorse, approve, or be neutral to the acceptance of a homosexual organization."

The GPGU and the Gay and Lesbian Students of the Law Center, who brought the case, have an interesting cluster of arguments. They argue that, since Georgetown allows homosexuals to attend the university, graduate, and hold meetings and sexuality seminars, it would not be a violation of church teachings for the organized group of homosexuals to use student activity funds, office telephones, and photo copy machines.

The GPGU and the Gay and Lesbian Students of the Law Center argue that a charter for a student group does not mean that the university endorses homosexuality. In support of their position, they cite the fact that the university charters other groups which endorse beliefs differing from Catholic Church teaching, namely, Jewish groups and women's groups supporting abortion.

The GPGU also argue that Georgetown is not a religious institution within the meaning of U.S. Supreme Court decisions. In the 1971 case of Tilton v. Richardson, the Supreme Court upheld the constitutionality of federal construction grants for college buildings on the ground that "religious indoctrination is not a substantial purpose or activity of these church-related colleges and universities."

The homosexuals are getting anxious about the decision. Smelling victory, on September 20 their lawyer requested a writ of mandamus to order the Judge to render the decision.

The whole notion that homosexuals and lesbians might have a legal "right" to be subsidized by the tuition payments of all the students (plus the donations of the alumni) is shocking to most Americans who haven't realized what has been taking place on college campuses. The whole notion that a "civil rights" law passed by the local city should be able to reach inside a church-operated institution and override its regulation on a moral question is shocking to most Americans who haven't realized how the government controls private schools.